



Security Council

PROVISIONAL

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ENGLISH

PROVISIONAL VERBATIM RECORD OF THE THREE THOUSAND AND TWENTY-FIRST MEETING

Held at Headquarters, New York,
on Thursday, 5 December 1991, at 10 a.m.

President: Mr. VORONTSOV

(Union of Soviet Socialist
Republics)

Members: Austria
Belgium
China
Côte d'Ivoire
Cuba
Ecuador
France
India
Romania
United Kingdom of Great Britain and
Northern Ireland
United States of America
Yemen
Zaire
Zimbabwe

Mr. HOHENFELLNER
Mr. NOTERDAEME
Mr. LI Daoyu
Mr. ANOH
Mr. ZAMORA RODRIGUEZ
Mr. AYALA LASSO
Mr. MERIMEE
Mr. GHAREKHAN
Mr. MUNTEANU

Mr. Sir David HANNAY
Mr. WATSON
Mr. AL-ASHTAL
Mr. LUKABU KHAOUJI N'ZAJI
Mr. MUMBENGEGWI

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The meeting was called to order at 10.20 a.m.

EXPRESSION OF THANKS TO THE RETIRING PRESIDENT

The PRESIDENT (interpretation from Russian): I should like, before turning to the item on our agenda, to express gratitude and appreciation to my predecessor, the President of the Council for November, Ambassador Munteanu, Permanent Representative of Romania to the United Nations. Among other duties, he had the great honour and the difficult task of completing the work of the Council in the preparation of a recommendation concerning the appointment of the new Secretary-General. His professional qualities and great tact enabled the Council to arrive at a successful solution within a short time. Once again, I thank Ambassador Munteanu, whose great diplomatic skill made possible the effective work of the Council during the past month.

ADOPTION OF THE AGENDA

The agenda was adopted.

ELECTION OF A MEMBER OF THE INTERNATIONAL COURT OF JUSTICE (S/23227, S/23243 AND S/23244)

The PRESIDENT (interpretation from Russian): I should like to recall that at its 3005th meeting, on 28 August 1991, the Security Council adopted resolution 708 (1991), by which it decided that the election to fill the vacancy in the International Court of Justice should take place on 5 December 1991 at a meeting of the Security Council and at a meeting of the General Assembly at its forty-sixth session.

(The President)

This morning the Security Council and the General Assembly will proceed independently with the election, in accordance with the relevant provisions of the Statute of the Court, for the purpose of filling this vacancy. The list of candidates nominated by national groups and received by the Secretary-General as of 28 November 1991, the deadline for receipt of nominations, is contained in document S/23243. Document S/23244 contains the curricula vitae of the candidates.

The Security Council also has before it a memorandum by the Secretary-General in document S/23227, describing the present composition of the Court and setting out the procedure to be followed in the conduct of the election.

I should like to remind the Council that under Article 10, paragraph 1 of the Statute of the International Court of Justice,

"Those candidates who obtain an absolute majority of votes in the General Assembly and in the Security Council shall be considered as elected".

The required majority in the Security Council is eight votes.

Article 15 of the Statute of the Court provides that

"A member of the Court elected to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term".

Accordingly, the member elected to serve the remainder of the term left vacant by the death of Judge Taslim Olawala Elias will serve until 5 February 1994.

(The President)

The voting will be by secret ballot. When we proceed to the vote, members of the Council will receive a ballot paper containing the names of the candidates. Members of the Council are requested to place an "X" next to the name of the candidate for whom they wish to vote. Votes may be cast only for a candidate whose name appears on the ballot paper, and each elector may vote for only one candidate; otherwise the ballot will be considered invalid. When a candidate has obtained the required majority, I shall notify the President of the General Assembly of the name of that candidate, and I shall request the Council to remain in session pending the receipt from the President of the General Assembly of the result of the voting in the Assembly.

I shall now draw lots to select two delegations to serve as tellers.

* * *

The PRESIDENT (interpretation from Russian): Austria and Romania have been drawn. I therefore request each of them to appoint one member of its delegation to serve as teller.

At the invitation of the President, Ms. Kehrler (Austria) and Mr. Voicu (Romania) acted as tellers.

The PRESIDENT (interpretation from Russian): May I take it that the Council is now ready to proceed with the election to fill the vacancy caused by the death of Judge Elias?

It is so decided.

(The President)

I shall ask the Conference Officer to distribute the ballot papers. Members of the Council should place an "X" in the box next to the name of the candidate for whom they wish to vote.

* * *

The PRESIDENT (interpretation from Russian): I take it that all the members of the Council have now voted, and I ask the Conference Officer to collect the ballot papers.

All the ballot papers have been collected. I should like to remind the Council that, as we agreed during our consultations, the ballots will not be counted until it has been verified that the ballot papers in the General Assembly have been collected.

The Council will remain in session pending the receipt of that information.

* * *

The PRESIDENT (interpretation from Russian): I have been informed that the ballot papers have been collected in the General Assembly. The counting of the ballots in the Security Council will now begin. The tellers will now count the ballots. As agreed in our consultations, there will be two independent counts of the ballots - one by each teller.

The PRESIDENT (interpretation from Russian): The result of the voting is as follows:

<u>Number of ballot papers:</u>	15
<u>Number of invalid ballots:</u>	0
<u>Number of valid ballots:</u>	15
<u>Required majority:</u>	8
<u>Number of votes obtained:</u>	
Mr. Bola Ajibola (Nigeria)	7
Mr. Samuel K.B. Asante (Ghana)	6
Mr. Frank Xavier Njenga (Kenya)	1
Mr. Francis Muzingu Ssekandi (Uganda)	1

The PRESIDENT (interpretation from Russian): As no candidate obtained the required majority, the Council will proceed to a second vote, in accordance with rule 61 of the provisional rules of procedure.

I shall ask the Conference Officer to distribute the ballot papers.

* * *

The PRESIDENT (interpretation from Russian): I now request members of the Council to place an "X" against the name of the candidate for whom they wish to vote.

* * *

The PRESIDENT (interpretation from Russian): I take it that all the members of the Council have now voted, and I ask the Conference Officer to collect the ballot papers.

All the ballot papers have been collected. The tellers will now count the ballots.

The PRESIDENT (interpretation from Russian): The result of the voting is as follows:

<u>Number of ballot papers:</u>	15
<u>Number of invalid ballots:</u>	0
<u>Number of valid ballots:</u>	15
<u>Required majority:</u>	8
<u>Number of votes obtained:</u>	
Mr. Bola Ajibola (Nigeria)	8
Mr. Samuel K.B. Asante (Ghana)	7

The PRESIDENT (interpretation from Russian): Mr. Ajibola has accordingly received the required majority of votes in the Security Council.

I shall communicate the result of the vote to the President of the General Assembly in writing. I request the Council to remain in session while we wait for the President of the General Assembly to inform the Council of the result of the voting in the Assembly.

* * *

The PRESIDENT (interpretation from Russian): I should like to inform the members of the Council that I have just received from the President of the General Assembly the following letter:

"I have the honour to inform you that at the 63rd plenary meeting of the forty-sixth session of the General Assembly, held today for the purpose of electing one member of the International Court of Justice, the following candidate obtained an absolute majority of votes in the General Assembly: Mr. Bola Ajibola."

As the Security Council and the General Assembly have agreed on the same candidate, the distinguished jurist Mr. Bola Ajibola of Nigeria has been elected a member of the International Court of Justice for a term of office expiring on 5 February 1994.

I should like to congratulate him and wish him every success in the high office to which he has been elected. I should also like to thank the tellers for their assistance.

The Security Council has thus concluded its business for this meeting.

The meeting rose at 12 noon.